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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/973,046	10/10/2001	Soon-ho Jung	Q65216	5067

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EXAMINER
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TIEU, BINH KIEN

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 04/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/973,046	JUNG, SOON-HO	
	<b>Examiner</b>	<b>Art Unit</b>	
	BINH K. TIEU	2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 November 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments, see Applicant's remarks, filed 11/24/2005, with respect to the rejection(s) of claim(s) 1-11 under 35 U.S.C. 102(b) and (e) being anticipated by Sprague et al. (US 5,247,575), Takase et al. (US 6,381,513), Inselberg (US 6,760,595) and under 35 U.S.C. 103 (a) in combination of Sprague in view of Ishizaki et al. (US 5,884,140) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Chen (US 5,978,775), Treyz et al. (US 6,587,835) and Sprague et al. (US 5,247,575).

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 10 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by of Treyz et al. (U.S. Pat. #: 6,587,835).

Regarding claim 10, Treyz teaches a Bluetooth server, comprising:

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a Bluetooth data transception processing portion for wirelessly transmitting data to a terminal and receiving data from the terminal (i.e., wireless transmitter/receiver 182 shown in figure 13 is used to interact with Handheld computer device 12; col.20, lines 57-67);

a database for storing the data to be transmitted to the terminal, the data being classified into a plurality of items (i.e., shopping list stored in the each of stores' computers 184; col.21, lines 11-14);

a program transmitting portion for transmitting to the terminal through the Bluetooth data transception processing portion an item selecting program through which the user selects at least one item among the plurality of items (col.29, line 66 - col.30, line 7); and

data transmitting portion for transmitting data of the database corresponding to the item selected by the user to the terminal through the Bluetooth data processing portion, when receiving from the terminal the item selected by the user through the item selecting program (col.30, lines 23-50).

Regarding claim 11, Treyz teaches a Bluetooth terminal (i.e., Handheld computing device 12), comprising:

a Bluetooth data transception processing portion for wirelessly transmitting a data to a server and receiving a data from the server (see transceiving portion 88 of device 12 in figure 4; col.15, lines 16-35);

a program executing portion for receiving an item selecting program from the server through the Bluetooth data transception processing portion and executing the item selecting program, through which the user selects an item among a plurality of items (col.24, lines 40-54 and col.24, line 64 - col.25, line 4; col.30, lines 30-67 and col.31, lines 20-47);

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a command transmitting portion (i.e., user input interface 134 in figure 6; col.16, lines 37-41) for transmitting to the server data (i.e., data representing option 328, 330, etc.) corresponding to the item (i.e., brochure, information on warranties, etc.) selected by the user through the item selecting program (col.30, lines 30-67); and

display means for displaying to the user the data received from the server, the data corresponding to the item selected by the user through the Bluetooth data transception processing portion (col.31, lines 20-47; also read col.32, lines 37-59).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sprague et al. (U.S. Pat. #: 5,247,575 *as cited in the previous Office Action*) in view of Chen (U.S. Pat. #: 5,978,775).

Regarding claim 1, Sprague et al. ("Sprague") teaches a control method for controlling mutual wireless data transmission and reception between a terminal and a server (i.e., between base station 10 or newsbox 30 and one of PC computer, fax machine, etc. as shown in figure 1) that is embedded with a Bluetooth function, comprising the steps of:

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a) preparing a database which stores data to be transmitted from the server to the terminal, the data being classified into a plurality of items (i.e., data collections classified as new reports, stock market quotations, sports scores, etc. are stored in a database of base station and in local FM or TV stations 20, col.9, lines 14-43);

c) receiving from the terminal a user's input item that is selected by the user (col.20, line 66 – col.21, line 3); and

d) transmitting to the terminal data corresponding to the user's input item (col.21, lines 16-24).

It should be noticed that Sprague fails to clearly teach the features of transmitting to the terminal an item selecting program, through which a user selects at least one of the items that the user wishes to receive from the server and receiving the user response input item through such item selecting program. However, Chen teaches such features in col.5, lines 4-40 for a purpose of eliminating retrieval of unavailable item(s) stored from a remote database.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of the features of transmitting to the terminal an item selecting program, through which a user selects at least one of the items that the user wishes to receive from the server and receiving the user response input item through such item selecting program, as taught by Chen, into view of Sprague in order to eliminating retrieval of unavailable item(s) stored from any one of the remote local FM or TV stations' databases.

Regarding claim 2, Sprague further teaches limitations of the claim in col.17, line 57 – col.18, line 11.

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Regarding claim 3, Sprague further teaches limitations of the claim in col.20, lines 48-65.

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sprague et al. (U.S. Pat. #: 5,247,575) in view of Chen (U.S. Pat. #: 5,978,775) as applied to claim 1 above, and further in view of Boesjes (U.S. Pat. #: 6,799,165).

Regarding claim 4, Sprague and Chen, in combination, teaches all subject matters as claimed above, except for the data stored at the database is voice data. However, Boesjes teaches such features in col. 5, lines 40-51.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of the data stored at the database is voice data, as taught by Boesjes, into view of Sprague and Chen in order to provide dynamic retrieval music data service to wireless subscribers.

7. Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen (U.S. Pat. #: 5,978,775) in view of Treyz et al. (U.S. Pat. #: 6,587,835).

Regarding claim 5, Chen teaches a control method for controlling data transmission and reception of a terminal that is embedded with a function for mutual wireline data transmission and reception with a server, comprising the steps of:

i) receiving an item selecting program (i.e., information menu 200) from the server (i.e., central catalog system of information distribution system; col.3, lines 39-56), the item selecting program providing an item selecting menu through which a user (i.e., terminal 5

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shown in figure 1) can select at least one item in a database, the database storing data of a plurality of classified items (col.5, lines 4-12);

ii) displaying the item selecting menu by executing the item selecting program (col.5, lines 13-32 and lines 48-53 and col.7, lines 40-49);

iii) transmitting to the server data about a user's selection (i.e., customer's menu selection) that is made through the item selecting program (col.7, line 66 – col.8, line 3);

iv) receiving from the server data corresponding to the item selected by the user (col.8, lines 39-42); and

v) displaying the data corresponding to the item selected by the user (col.8, lines 59-65).

It should be noticed that Chen teaches the control method performed at customer terminal 5 for the mutual wireline data transmissions. Chen fails to clearly teach the control method is performed by terminal 5 with Bluetooth or short range communications function in a wireless environment. However, Treyz et al. ("Treyz") teaches such feature in col.13, lines 22-38 for a purpose of communicating a computing device with a local server in a retail store in a mall.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of the features of providing a terminal that is embedded with a Bluetooth function for mutual wireless data transmission and reception with a server, as taught by Treyz, into view of Chen in order to provide dynamic content delivery service to wireless subscribers.



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Regarding claim 6, Treyz further teaches limitations of the claim in col.12, line 56 – co.13, line 15.

8. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chen (U.S. Pat. #: 5,978,775) in view of Treyz et al. (U.S. Pat. #: 6,587,835) as applied to claim 5 above, and further in view of Boesjes (U.S. Pat. #: 6,799,165).

Regarding claim 7, Chen and Treyz, in combination, teaches all subject matters as claimed above, except for the data stored at the database is voice data. However, Boesjes teaches such features in col. 5, lines 40-51.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of the data stored at the database is voice data, as taught by Boesjes, into view of Chen and Treyz in order to provide dynamic retrieval music data service to wireless subscribers.

9. Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen (U.S. Pat. #: 5,978,775) in view of Boesjes (U.S. Pat. #: 6,799,165).

Regarding claim 8, Chen teaches a system, as shown in figure 1, for wireless data transmission and reception, comprising:

a database for storing data to be provided to a user, the data classified into a plurality of items (i.e., memory of 46 of each of information supplier 1 through 3; col.3, lines 34-38 and col.6, lines 14-36);

a server (i.e., central catalog system 60) for transmitting both of an item selecting program that provides an item selecting menu through which the user selects at least one of the

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items, and a data corresponding to the item selected by the user (see figure 2A, note col.5, lines 4-40); and

a terminal (i.e. customer terminal 5) for executing the item selecting program that is received from the server so that the item selecting menu is displayed to the user, transmitting to the server data about the item that is selected through the item selecting menu and input by the user, and receiving and displaying data corresponding to the item selected by the user which is transmitted from the server (col.8, lines 28-42 and lines 59-65).

It should be noticed that Chen teaches the data transmissions between the server (central catalog system 60) and the customer terminal 5 via the communication network 100 and associated telephone line 95 (col.3, lines 53-56). Chen fails to teach wireless transmissions. However, Boesjes teaches such features in col.6, lines 20-34 for a purpose of offering sales of products to shoppers or buyers.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of wireless communication transmissions such as satellite link or wireless link, as taught by Boesjes, into view of Chen in order to provide transmissions of information data from a remote storage server to the users.

Regarding claim 9, Boesjes further teaches limitations of the claim in col.5, lines 40-51.

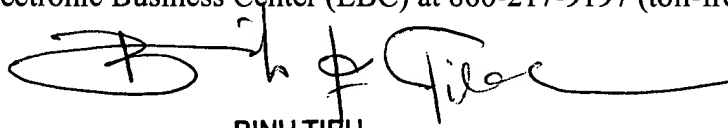
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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh K. Tieu whose telephone number is (571) 272-7510 and E-mail address: BINH.TIEU@USPTO.GOV.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz, can be reached on (571) 272-7499 and **IF PAPER HAS BEEN MISSED FROM THIS OFFICIAL ACTION PACKAGE, PLEASE CALL Customer Service at (703) 306-0377 FOR THE SUBSTITUTIONS OR COPIES.**

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A handwritten signature in dark ink, appearing to read 'Binh Tieu', is written over a horizontal line.

BINH TIEU  
PRIMARY EXAMINER

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Date: April 08, 2005